



Agenda Item Number: 2005-6-7C

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 14, 2005

Department: Zoning, Building, Planning **Staff Contact:** Sanford Fish, Director
Environmental Health Julie M. Baca, Deputy County Manager
for Community Services Division

TITLE: Extension of the Moratorium on Zone Change and Special Use Permits
Applications for Isleta Boulevard and Village Centers

ACTION: Motion to approve Administrative Resolution AR -2005 extending the
Moratorium on Zone Change and Special Use Permits Applications for the
proposed Isleta Boulevard Sector Plan boundary area.

SUMMARY:

On January 11, 2005, the Board approved a six-month moratorium for zone change and special use permit applications in the South Valley. A report from the Task Force designated to review agricultural preservation and other development issues during the moratorium period has been forwarded to the Board for their review.

The County is also working with community representatives and the University of New Mexico School of Architecture and Planning to finalize a Sector Development Plan for the area along Isleta Boulevard, including designated village centers. The plan will be presented to the County Planning Commission and the Board of County Commissioners in the coming months. It would be beneficial to have the plan completed before any new applications for zone changes or special use permits are accepted in these areas.

Staff recommends that the current moratorium be extended for three months from the original expiration date of July 11, 2005 and that it be reduced in size to cover only those properties located in the proposed Isleta Boulevard Sector Plan boundary area.

ATTACHMENTS:

1. Administrative Resolution AR -2005
2. Map and property description of Isleta Village Centers

FISCAL IMPACT

There is the potential loss of approximately \$500 – 1,000 in permit fees during the extended moratorium.

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

This action reduces the area covered by the zoning moratorium to the Isleta corridor. Extending the moratorium for this area will allow projects elsewhere in the South Valley to proceed, while those impacted by the Isleta Sector Development Plan will come under the newly adopted policies of that plan when it is adopted. I recommend Board approval. TL 6/9/05

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES DIVISION

This extension involves a very small area of the South Valley to include properties located along Isleta Boulevard between Bridge and the Isleta Pueblo. I recommend Board approval. Julie Baca 6/1/05

LEGAL

The issue for a “taking” under inverse condemnation is that, where the owner does not lose all beneficial use of the property, no “taking” for public use or inverse condemnation occurs. The interference with property cannot be unreasonable, unnecessary, or arbitrary. A court may find a taking with a very lengthy moratorium, but it is unlikely for moratoriums up to and somewhat over a year. All that needs to be kept clear is that it is temporary and reasonably based in fact, not permanent. Resolution approved as to form. TDC 5/20/05

FINANCE

Budget Approval of this item may result in a decrease of revenue. The estimated revenue loss is approximately \$1,000 in permit fees for the extension of the moratorium. The fiscal impact to the County from this action is minimal. Geri Maestas, Budget Analyst, Sr. 5/18/05